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15 May 1953

OGC HAS REVIEWED.

MEMORANDUM FOR: Deputy Director (Administration)

SUBJECT: Overseas Transportation of Dependents of Personnel for Medical Reasons

REFERENCE: (a) Claims for Reimbursement for Transportation of Dependents for Medical Reasons - [REDACTED] and Attendant Papers Forwarded to this Office for Comment on 4 May 1953. 25X1A

(b) Memorandum from OGC to AD/P, Subject: "Payment of Medical Expenses of Employees Assigned to Permanent Duty Stations in Foreign Countries", dated 3 April 1953.

25X1A 1. The attached claims for reimbursement relate to cost of transportation on the return flight of dependent wives who were evacuated from [REDACTED] for obstetrical care. The outward flights were made on Air Force planes, at no cost to the employee or the Agency, on a space available basis. It is pointed out that the return to the station could not be accomplished in the same manner due to a recent Air Force ruling which forbids travel by infants on Air Force planes.

25X1A 2. [REDACTED] sets forth the following justification for reimbursement:

a. Prior to the Air Force regulation mentioned above, station personnel were assured of cost-free Government transportation to Army hospitals in [REDACTED] and return. 25X1A

b. On accepting field assignment in [REDACTED] he was informed that medical services were furnished by the Government. 25X1A

25X1A c. The two American (Navy) doctors who attended his wife advised that, since complications could not be foreseen with the first confinement, and since local facilities for handling any complications were inadequate, she should go to [REDACTED] for her confinement. They also stated that 25X1A whereas [REDACTED] doctors were of course competent, local sanitary facilities and methods were not acceptable by American standards.

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[REDACTED] states the following justification:

a. Medical facilities are provided [REDACTED] employees abroad. If these are inadequate, travel to adequate facilities is authorized where no official transportation is available.

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b. In medical matters [REDACTED] employees and their dependents have equal claim.

c. The summary of [REDACTED] advice contained in paragraph 2 (of the claim for reimbursement) constitutes [REDACTED] judgment as the responsible authority that the [REDACTED] medical facilities were inadequate in this case. That the doctor should have recommended travel at all in a pregnancy case shows that the arguments against the expectant mother's staying in [REDACTED] were, in his professional opinion, strong.

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b. As set forth in paragraph 3 above, the information given to [REDACTED] upon accepting field assignment in [REDACTED] that medical services were furnished by the Government, was correct. However, such service does not encompass the care of dependents, even though the use of medical facilities may properly be extended to dependents of employees in the field where such hospitalization and medical facilities exist and their use by the dependents involves no additional cost to the Government.

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c. The advice given to [REDACTED] wife by the two American (Navy) doctors who attended her in [REDACTED] that she should go to [REDACTED] for her confinement because of the facilities and standards available in [REDACTED] was a matter of medical advice. [REDACTED] and his wife were perfectly free to accept it or disregard it. As a matter of medical advice, it may not be construed as creating an obligation of the Government to provide transportation.

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d. Although the reasoning of [REDACTED] that in medical matters employees and their dependents have equal claim, may be a proper equitable consideration, it is not supported by the legal authority granted to the Agency (paragraph 3, supra) and the implementation of that authority contained in [REDACTED]

25X1A.

5. This office has been informally advised upon inquiry at the State Department as to their administration of a similar authority, that even in the case of an employee (not a dependent of an employee), the costs arising out of normal delivery are not considered as rising out of an "illness or injury" incurred while on assignment overseas.

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7. It is noted that the Senior Representative, [REDACTED], makes reference to [REDACTED] (contained in the file) in his covering dispatch and points out that,

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"These claims are being forwarded in accordance with reference which states that pending a general authorization which would permit payment of these expenses, the Medical Division will endeavor to obtain individual approval."

It would appear that the wording used in the referenced dispatch placed the Senior Representative under the misapprehension that the claims would be approved. It is noted, however, that Agency Regulations make no provisions for placing the responsibility for obtaining approval of claims in the Medical Office.

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[REDACTED] in treating transportation to the nearest medical facility that can satisfactorily care for the case, states in part:

"... all cases will be submitted through proper channels to the Chief, Medical Staff, who will transmit the report with medical findings to the Personnel Director who will take final administrative action to complete the case."

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[REDACTED] "Processing of Claims by the Personnel Director", provides in part:

"(1) The Personnel Director shall review each claim and, after coordination with and consideration of the recommendations of the appropriate Assistant Director, the Chief, Medical Staff, the General Counsel, and the Assistant Deputy (Inspection and Security), as applicable, shall determine whether it is to be processed under the provisions of the Compensation Act or Public Law 110."

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[REDACTED]
Office of General Counsel

OGC/JGO:apf

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- REFERENCE: 25X1A (a) Claims for Reimbursement for Transportation of Dependents for Medical Reasons - [REDACTED] and Attendant Papers Forwarded to this Office for Comment on 4 May 1953.
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[REDACTED]
Office of General Counsel

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Distribution:

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